

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-and-

THE VULCAN SOCIETY, INC., ET AL,

Civil Action No. 07-cv-2067
(NGG) (RLM)

Plaintiffs-Intervenors,

-against-

THE CITY OF NEW YORK, ET AL,

Defendants.

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STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

DECLARATION OF RICHARD A. LEVY

Richard A. Levy, pursuant to 28 U.S.C. ¶ 1746, hereby declares:

1. I am a member of Levy Ratner, P.C., and counsel, along with the Center for Constitutional Rights and Scott + Scott, LLP, to Plaintiffs-Intervenors in this matter. I submit this declaration in support of Plaintiffs-Intervenors' Reply Memorandum of Law in Support of their Motion for Summary Judgment on Class-Wide Compensatory Damages.

2. On February 19, 2010, Plaintiffs-Intervenors filed their "Response to Court's Request for Their Position Regarding Class-Wide Compensatory Damages" (Dkt. # 401) that outlined their claims for class-wide compensatory damages. In support, Plaintiffs-Intervenors submitted the declarations of John Coombs and Candido Nuñez. (Dkt. # 401.) Since that time, the City served no discovery requests regarding Plaintiffs-Intervenors' compensatory damages claims.

3. Exhibit "A" attached hereto is a true and correct copy of excerpts from the 2008–09 FDNY Annual Report. A copy of the full report is available at <http://www.nyc.gov/html/fdny/html/home2.shtml>. (Last accessed on November 22, 2010.)

4. Exhibit "B" attached hereto is a true and correct copy of a statement from Mayor Bloomberg contained in the 2007 FDNY Annual Report. A copy of the full report is available at <http://www.nyc.gov/html/fdny/html/home2.shtml>. (Last accessed on November 22, 2010.)

5. Exhibit "C" attached hereto is a true and correct statement of the United States Bureau of Labor Statistics regarding the calculation of fatal occupational injury rates based upon number of hours worked, rather than number of employees in the occupation. A copy of the statement is available at <http://data.bls.gov/cgi-bin/print.pl/iif/oshnotice10.htm>. (Last accessed on November 22, 2010.)

6. Exhibit "D" attached hereto is a true and correct copy of the United States Bureau of Labor Statistics census of fatal occupational injuries, total hours worked, and rates of occupational injuries by selected worker characteristics, occupations and industries for civilian workers, 2008. A copy is available at www.bls.gov/iif/oshwc/foi/foi_rates_2008hb.pdf. (Last accessed on November 22, 2010.)

7. Exhibit "E" attached hereto is a true and correct copy of the United States Bureau of Labor Statistics census of fatal occupational injuries, total hours worked, and rates of occupational injuries by selected worker characteristics, occupations and industries for civilian workers, 2008. A copy is available at www.bls.gov/iif/oshwc/foi/foi_rates_2009hb.pdf. (Last accessed on November 22, 2010.)

8. Exhibit "F" attached hereto is a true and correct copy of the United States Bureau of Labor Statistics definition of "refuse and recyclable materials collectors" as used in its census

of fatal occupational injuries, total hours worked, and rates of occupational injuries by selected worker characteristics, occupations and industries for civilian workers, 2009. A copy is available at <http://www.bls.gov/oes/current/oes537081.htm>.

Dated: November 23, 2010
New York, New York



RICHARD A. LEVY